

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD YOUNG,)	
Plaintiff,)	Civil Action No. 04 - 407
)	Judge Joy Flowers Conti /
vs.)	Magistrate Judge Lisa Pupo Lenihan
)	
JEFFREY BEARD; CATHERINE C.)	
MCVEY; DAVID GOOD;;CAROL SCIRE,)	
JAMES META; TOM MORANT and)	
JOAN DELIE; EUGENE GINCHEREAU;)	
EDWARD V. SWIEREZEWSKI;)	
KENNETH LENTZ; and THOMAS)	
KRACZON,)	
Defendants.)	

ORDER


On May 23, 2006, Defendants Beard, McVey, Good, Sceri, Meta, Morant, and Delie filed a Motion for Summary Judgment (Doc. No. 101). Plaintiff filed a Response (Doc. No. 105) June 5, 2006. When the Court had not issued a report and recommendation to the District Judge as quickly as Plaintiff would like, he filed a Motion to Issue Writ of Mandamus and or Other Extraordinary Relief (Doc. No. 107) on August 9, 2006. This motion is still pending before the Court.

At the current time, the Court has not issued a report and recommendation regarding Defendants' outstanding Motion for Summary Judgment (Doc. No. 101). It has been 146 days since the motion was filed and 134 days since Plaintiff filed the Response (Doc. No. 105). Given the Court's responsibilities and caseload, this is not an unreasonable length of time for the Court to spend researching and preapring a report and recommendation. Therefore,

IT IS HEREBY ORDERED this 16th day of October, 2006 that Plaintiff's Motion to

Issue Writ of Mandamus and or Other Extraordinary Relief (Doc. No. 107), is **DENIED**.

IT IS FURTHER ORDERED that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(A), and Local Rule 72.1.3, the parties are allowed ten (10) days from the date of service to file an appeal from this order to the District Court. Failure to timely file an appeal may constitute a waiver of any appellate rights.



LISA PUPO LENIHAN
U.S. Magistrate Judge

cc: Richard Young
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All counsel of record.